

1938 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1938)
(Superseding Mason's 1931, 1934, and 1936 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 General Sessions, and the 1933-34, 1935-36, 1936, and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General; construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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Mason's Minnesota Statutes

Part I. Jurisdiction, Divisions, Civil Polity and Internal Administration

CHAPTER 1

Sovereignty and Jurisdiction

1. Extent.

Fishing in the waters of Rainy Lake on the Minnesota side of the boundary line established by joint action of the governments of the United States and Canada is under the control of this state, until the International Fisheries Commission provided for by the Root-Bryce Treaty functions and assumes control. *State v. Dove*, 183M272, 236NW322(2); 49F(2d)816. See Dun. Dig. 6933.

Where a full-blooded Chippewa Indian received a patent in fee from United States government to 160 acres of land on White Earth Indian Reservation, and, trust period having expired thereon, sold land and removed therefrom, court had jurisdiction of prosecution for violation of state game laws. *State v. Bush*, 195M413, 263NW300. See Dun. Dig. 4348.

State cannot license an Indian trader on an Indian reservation. *Op. Atty. Gen.*, Nov. 6, 1933.

4. Lands of United States.

State courts have no jurisdiction over criminal offenses against state laws committed on Fort Snelling Military Reservation. *Op. Atty. Gen.*, July 21, 1933.

6. Certificate of consent.

Recording of certificate of consent to acquisition of land by United States with the register of deeds is a sufficient compliance with this section notwithstanding that land involved may be registered land. *Op. Atty. Gen.* (373b-17f), Dec. 17, 1934.

Fees for filing of certificates of consent to acquisition of land by United States are payable by the secretary of state to the register of deeds. *Op. Atty. Gen.* (373b-10 (k)), Dec. 18, 1934.

Certificates of consent for requisition of land by United States for regulation of flow of navigable streams and production of timber provided for governor. *Op. Atty. Gen.* (700e-1), Nov. 15, 1935.

6-1. Acquisition by United States of lands for customs houses, etc.

In eminent domain in case of conflict between state public use and federal public use, the more necessary public use should be given preference. *Op. Atty. Gen.*, Dec. 11, 1933.

6-2. Same—Jurisdiction, etc.

Summons served under this section on army officer who was resident of Iowa while such officer was at training camp on military reservation in Minnesota, held not void, but voidable only. *N. W. Casualty Co. v. C.*, 210 Iowa126, 230NW548.

Industrial commission cannot enter upon land owned by federal government where post office is being constructed and enforce safety measures provided by §§4141 to 4187, 4279. *Op. Atty. Gen.*, July 28, 1933.

6-7. Governor to grant easements to United States for flowage or other purposes in certain cases.—When so requested by the Commissioner of Highways the Governor in behalf of the State, may from time to time, grant, bargain, sell and convey to the United States of America any easement or easements for flowage in and upon any easement or fee owned by the State of Minnesota for trunk highway right of way purposes when the same shall be required by the United States in aid of any public improvement. (Mar. 31, 1937, c. 124, §1.)

6-8. Monies received credited to highway fund.—That any payment so received for the granting of any said easement or easements shall be deposited in and become a part of the trunk highway fund. (Mar. 31, 1937, c. 124, §2.)

Sec. 3 of Act Mar. 31, 1937, cited, provides that the Act shall take effect from its passage.

CHAPTER 2

Territorial Divisions

LEGISLATIVE DISTRICTS

9. Boundaries of Legislative Districts.

Thirty-second District

The thirty-second district shall be composed of the eleventh and twelfth wards of the city of Minneapolis, including that portion of said twelfth ward which was formerly a part of the village of Richfield and has heretofore been annexed to said city, and shall be entitled to elect one senator and two representatives. (G. S. '13, §9; '13, c. 91, §2; '17, c. 217, §2; Mar. 9, 1929, c. 65, §1.)

Thirty-third District

The thirty-third district shall be composed of the seventh and thirteenth wards of the city of Minneapolis, including those portions of said wards, respectively, which were formerly part of the village of Richfield and have heretofore been annexed to said city, and shall be entitled to elect one senator and two representatives. (G. S. '13, §9; '13, c. 91, §2; '17, c. 217, §2; Mar. 9, 1929, c. 65, §2.)

Thirty-sixth District

The thirty-sixth district shall be composed of the county of Hennepin, outside of the city of Minneapolis, except the town of St. Anthony, excluding the territory which was formerly part of the village of Richfield and has heretofore been annexed to said

city, and shall be entitled to elect one senator and two representatives.

The representative districts shall be divided as follows:

The villages of Dayton, Golden Valley, Hanover, Osseo and Robinsdale, and the towns of Brooklyr, Champlin, Corcoran, Crystal Lake, Dayton, Greenwood, Hassan, Maple Grove, Medina and Plymouth shall constitute one district and shall be entitled to elect one representative.

The villages of Deephaven, Edina, Excelsior, Long Lake, Minnetonka Beach, St. Bonifacius, Richfield, St. Louis Park, Tonka Bay, Wayzata and West Minneapolis, and the towns of Bloomington, Eden Prairie, Excelsior, Independence, Minnetonka, Minnetrista and Orono, excluding the territory which was formerly part of the village of Richfield and has heretofore been annexed to the city of Minneapolis, shall constitute one district and shall be entitled to elect one representative. (G. S. '13, §9; '13, c. 91, §2; '17, c. 217, §2; Mar. 9, 1929, c. 65, §3.)

JUDICIAL DISTRICTS

11. Boundaries and judges.

(7).
Judges increased to four by Laws 1931, c. 104.

(14).
See §162 respecting counties in this district.